

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3676 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

BHIKHABHAI L PARMAR

Versus

DIRECTOR OF PRIMARY EDUCATION

Appearance:

MS BELA PRAJAPATI for MR BM MANGUKIYA for Petitioner
MR PREMAL R JOSHI, AGP, for Respondent No. 1
None present for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 07/09/2000

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. By this petition under Article 226 of the
Constitution, the petitioner, a Primary Teacher of the

respondent challenges the order dated 2-5-1990 under which he was placed under suspension and also transferred to other place.

3. On 10-5-90, this matter was placed before the Court for preliminary hearing. The matter was admitted and interim relief has been granted in favour of the petitioner whereunder the implementation of the order of suspension has been stayed. However, it is clarified that it will be open to the respondents to implement the order for transfer of the petitioner.

4. Both the counsel for the parties are not in a position to say what ultimately has been decided in the criminal case which was pending. Looking to the nature of the offence for which the petitioner was booked in the criminal case and coupled with the fact that this order was stayed by this Court, the respondents may not give effect to this order. However, it is open to the respondents to consider the matter afresh for continuation of the suspension order. Where it is decided that it has to be continued then a reasoned order may be passed and copy of the same may be sent to the petitioner by registered post A.D.. This exercise has to be completed within a period of three months from the date of receipt of writ of this order. In case of any difficulty, liberty is granted to the petitioner for revival of this special civil application. Rule is made absolute in the aforesaid terms with no order as to costs.

zgs/-